

1		BEFORE THE	
2		ILLINOIS COMMERCE COMMISSION	
3	IN THE MATTER OF:)	
4	ILLINOIS COMMERCE COMMISSION)	
5	On Its Own Motion)	
6	v)	No. 07-0358
7)	Status
8	PEOPLES GAS LIGHT AND COKE)	
9	COMPANY)	
10)	
11	Determination of the necessity)	
12	for and the funding of a public)	
13	awareness program regarding)	
14	inside safety inspections.)	
15			
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17			
18	Chicago, Illinois		
19			
20	November 6, 2007		
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Met pursuant to notice at 10:00 a.m.

BEFORE:

MR. GLENNON DOLAN, Administrative Law Judge.

1 APPEARANCES :

2 MS. JANICE VON QUALEN and
3 MR. JAMES OLIVERO
4 527 East Capitol Avenue
5 Springfield, Illinois 62701
6 appeared for Staff witness,
7 telephonically;

8 CHICO & NUNES, P.C., by
9 MR. JERRY D. BROWN
10 333 West Wacker Drive
11 Chicago, Illinois 60606
12 appeared for Peoples Gas

13 MR. RONALD D. JOLLY
14 30 North LaSalle Street
15 Chicago, Illinois 60602
16 appeared for the City of Chicago.

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23 SULLIVAN REPORTING COMPANY, by
24 Teresann B. Giorgi, CSR

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1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>			
2							Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>				<u>Examiner</u>
4	NONE								
5									
6		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>	<u>T</u>	<u>S</u>
7	<u>STAFF</u>	<u>For Identification</u>					<u>In Evidence</u>		
8	1.0								13
9	1.1								13
10	1.2 (late file)								13
11									
12	<u>PEOPLES'</u>								
13	1.0								14
14	1.1								14
15	1.2								14
16	1.3 (late file)								14
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1 JUDGE DOLAN: By the direction and authority
2 of the Illinois Commerce Commission I call
3 Docket No. 07-0358, Illinois Commerce Commission, On
4 Its Own Motion versus The Peoples Gas Light and Coke
5 Company, a determination of the necessity for and
6 the funding of a public awareness program regarding
7 public safety inspections to order.

8 Would the parties please identify
9 themselves for the record.

10 MR. BROWN: Jerry Brown of Chico & Nunes, P.C.,
11 333 West Wacker Drive, Suite 1800, Chicago,
12 Illinois. I represent Peoples Gas.

13 MR. JOLLY: On behalf of the City of Chicago,
14 Ronald T. Jolly, 30 North LaSalle, Suite 900,
15 Chicago, Illinois 60602.

16 MS. VON QUALEN: Janice Von Qualen and James
17 Olivero on behalf of the Staff witness of the
18 Illinois Commerce Commission, 527 East Capitol
19 Avenue, Springfield, Illinois 62701.

20 JUDGE DOLAN: Let the record reflect there are
21 no other appearances.

22 Jan, you want to summarize it for the

1 record.

2 MS. VON QUALEN: Yes, thank you.

3 Judge, The Peoples have filed their
4 direct testimony. And in their direct testimony,
5 they have outlined a proposal how they would address
6 Staff's concerns. The proposal includes requesting
7 a waiver from the Federal Department of
8 Transportation, the Pipeline and Hazardous Materials
9 Safety Administration, that's THMSA.

10 What we propose to do in this docket
11 is to go ahead -- Staff has no objections to their
12 proposal, so to go ahead and put Burk's testimony in
13 the record and to put Peoples' testimony by Ed Doerk
14 into the record today. And then prepare an interim
15 order that the Commission could enter in this
16 citation proceeding.

17 In the meantime, Peoples intends to
18 file a petition for a waiver with the Illinois
19 Commerce Commission. Assuming that the Commerce
20 Commission approves the waiver for its part, it
21 would then forward the request for a waiver to THMSA
22 for approval. Making an additional assumption that

1 if THMSA approves the waiver, the waiver would then
2 be entered and then we would bring this citation
3 case back for a final order.

4 If the waiver provision -- if the
5 waiver were not approved by the Commerce Commission
6 or THMSA, then we would want, probably, to file
7 additional evidence in this citation proceeding.

8 JUDGE DOLAN: And I'm assuming that's Peoples'
9 position, also.

10 MR. BROWN: Yes, it is.

11 JUDGE DOLAN: And the City --

12 MR. JOLLY: The City has no objection.

13 JUDGE DOLAN: Okay. Then, why don't we go ahead
14 and do that. Who wants to introduce their exhibits
15 first?

16 MS. VON QUALEN: I would go ahead move in
17 Mr. Burk's testimony.

18 I move for the admission into evidence
19 of ICC Staff Exhibit 1.0, the Direct Testimony of
20 Darin Burk, which was filed electronically on
21 July 17th, 2007. It consists of 11 typewritten
22 pages.

1 And I would also ask for leave to late
2 file an affidavit by Mr. Burk supporting his
3 testimony. That will be filed on e-Docket and
4 identified as ICC Staff Exhibit 1.1.

5 JUDGE DOLAN: All right. Is there any
6 objection?

7 MR. BROWN: None.

8 MR. JOLLY: None.

9 JUDGE DOLAN: All right. Then, with that,
10 ICC Staff Exhibit 1.0, the Direct Testimony of Darin
11 Burk is admitted into the record. And Staff is also
12 granted leave to file late exhibit 1.1, which would
13 be the affidavit of Mr. Burk concerning his
14 testimony.

15 MS. VON QUALEN: In addition, Judge, there were
16 Schedules A through D attached to that testimony,
17 which were also entered.

18 JUDGE DOLAN: Okay. Along with Schedules A
19 through D, which were attachments for Staff
20 Exhibit 1.2.

21 MS. VON QUALEN: Thank you.

22 JUDGE DOLAN: Those are all admitted into the

1 record.

2 (Whereupon, ICC Staff
3 Exhibit 1.0 and 1.1 and 1.2
4 were admitted into evidence.)

5 JUDGE DOLAN: And with that Staff rests?

6 MS. VON QUALEN: Yes.

7 JUDGE DOLAN: Okay.

8 MR. BROWN: This is Jerry Brown for Peoples Gas.

9 We would move for admission of Peoples
10 Gas Exhibit 1.0, which is the testimony of Ed Doerk.
11 Exhibit 1.1, which is the plan, and Exhibit 1.2,
12 which is the work plan. We would also ask for leave
13 to late file Exhibit 1.3, which will be Ed Doerk's
14 affidavit sponsoring the exhibits. These were
15 initially filed on October 23rd.

16 JUDGE DOLAN: Any objection?

17 MR. JOLLY: None.

18 MS. VON QUALEN: Staff has no objections.

19 JUDGE DOLAN: Okay. Then, Peoples Gas
20 Exhibit 1.0, along with Exhibit 1.1 and Exhibit 1.2
21 will all be admitted into the record. And Peoples
22 Gas will also be allowed to file Exhibit 1.3, which

1 would be the affidavit sponsoring the testimony.

2 (Whereupon, Peoples Gas
3 Exhibits 1.0, 1.1, 1.2 and
4 1.3 were admitted into
5 evidence.)

6 JUDGE DOLAN: Is there anything else to be
7 brought?

8 MR. BROWN: We've discussed the schedule for
9 preparing the interim order. We've agreed that we
10 will have a draft order for Staff and Mr. Jolly's
11 review a week from today, which would be the 13th.
12 We would like to have their suggested changes or
13 comments by the 20th. And we expect to file it on
14 the 27th of November.

15 JUDGE DOLAN: Okay. The 27th? Okay. It will
16 probably be too late for the December 5th Bench. So
17 the final Bench of 2007 is on December 19th. So,
18 we'll try to have it prepared and ready for the
19 December 19th Bench.

20 With that, is there anything else,
21 then, to be brought before the Commission?

22 MS. VON QUALEN: I don't believe so, Judge. I

1 don't know if you want to set a status or just wait
2 until we motion it up or let you know what's
3 happened on the petition proceeding?

4 JUDGE DOLAN: I would say why don't you just let
5 me know, I mean, rather than setting a status and
6 then having to continue it somewhere down the line.

7 MS. VON QUALEN: That's fine.

8 JUDGE DOLAN: Okay?

9 MS. VON QUALEN: Yes.

10 JUDGE DOLAN: And then with an interim order, I
11 don't know if I've done one before. Do I mark it
12 heard and taken? I'm not sure.

13 MS. VON QUALEN: I looked up the petition for
14 a waiver that had been filed by Ameron in
15 Docket 05-0113, it did not appear to me that the
16 matter was marked heard and taken before the interim
17 order was entered. But, I don't speak with a lot of
18 authority on that issue.

19 JUDGE DOLAN: Okay. Normally when we mark
20 something heard and taken, then, we have to get
21 permission to reopen the docket. So, I think I'll
22 just enter and continue it generally. If I find

1 that I do have to mark it heard and taken, I'll just
2 issue a ruling through the Clerk's Office.

3 MS. VON QUALEN: Okay. Thank you.

4 MR. JOLLY: Thank you.

5 JUDGE DOLAN: Thank you all.

6 (Whereupon, the above-entitled
7 matter was continued sine
8 die.)

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